

FERBER CHAN ESSNER & COLLIER, LLP

ONE GRAND CENTRAL PLACE  
SUITE 2050  
NEW YORK, NEW YORK 10165

TEL: (212) 944-2200

FAX: (212) 944-7630

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 05/22/2017

May 10, 2017

Magistrate Judge Sarah Netburn  
United States District Court,  
Southern District of New York  
United States Courthouse  
40 Centre Street  
New York, New York 10007

Re: Continental Casualty Co. v. Al Qaeda Islamic Army, 04 Civ. 5970  
In Re Terrorist Attacks on September 11, 2001 03 MDL 1570

Dear Judge Netburn:

This firm represents the plaintiffs in *Continental Casualty Co. v. Al Qaeda*, 04 Civ. 5970, which is part of the multi-district litigation *In Re Terrorist Attacks on September 11, 2001*, 03 MDL 1570. The Continental Plaintiffs' motion for a default judgment against defendant Islamic Republic of Iran as to liability was granted in an order dated January 5, 2017 and they will shortly be filing a motion for the assessment of damages against Iran. In connection with that motion, the Continental Plaintiffs intend to file, as exhibits, schedules identifying their insureds and the amounts paid to those insureds in compensation for property, business interruption and related losses resulting from the September 11<sup>th</sup> terrorist attacks.

In order to protect the identity of their insureds from public disclosure, the Continental Plaintiffs respectfully request the Court's permission to file these schedules under seal. Similar relief has previously been granted to the plaintiffs in *Federal Insurance Insurance Co., et al. v. al Qaida, et al.*, 03 Civ. 6978 (one of those orders, dated May 5, 2005, is enclosed).


FERBER CHAN ESSNER & COLLIER, LLP

Magistrate Judge Sarah Netburn  
May 10, 2017  
Page 2

Plaintiffs' request to file schedules identifying their insureds and the amounts paid thereto under seal is GRANTED in part and DENIED in part. The Plaintiffs have not made a showing under Lugosch v. Pyramid Co. of Onondaga, 435 F.3d 110 (2d Cir. 2006), to overcome the presumption of public access to judicial documents. Indeed, it is quite likely that the information to be redacted will be critical to the Court's assessment of damages.

Notwithstanding the inadequate showing, Plaintiffs may redact the names of their insureds on any schedules that they may file, but may not redact the amounts paid or the property the amounts were paid for.

**SO ORDERED.**

  
\_\_\_\_\_  
SARAH NETBURN  
United States Magistrate Judge

May 22, 2017  
New York, New York

PHILADELPHIA  
ATLANTA  
CHARLOTTE  
CHERRY HILL  
CHICAGO  
DALLAS  
DENVER  
HOUSTON  
LAS VEGAS  
LONDON  
LOS ANGELES



A PROFESSIONAL CORPORATION

NEW YORK  
NEWARK  
SAN DIEGO  
SAN FRANCISCO  
SEATTLE  
TRENTON  
WASHINGTON, DC  
WEST CONSHOHOCKEN  
WICHITA  
WILMINGTON

1900 MARKET STREET PHILADELPHIA, PA 19103-3508 215.665.2000 800.523.2900 215.665.2013 FAX www.cozen.com

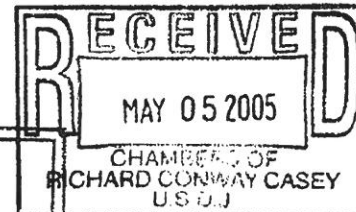
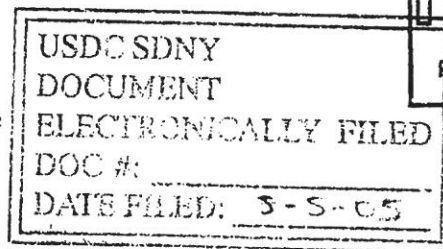
ECF

**J. Scott Tarbutton**  
Direct Phone 215.665.7255  
Direct Fax 215.701.2467  
starbutton@cozen.com

May 4, 2005

**VIA FEDERAL EXPRESS**

The Honorable Richard C. Casey  
United States District Court for the  
Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 1950  
New York, NY 10007-1312



Re: *In Re: Terrorist Attack on September 11, 2001*, MDL No. 1570;  
*Federal Insurance Company et al. v. al Qaida, et al.*, 03 CV 6978

Dear Judge Casey:

As Your Honor is aware, this firm represents the Plaintiffs in *Federal Insurance Co., et al. v. al Qaida, et al.*, 03 CV 6978, one of the consolidated cases comprising *In Re: Terrorist Attack of September 11, 2001*, 03 MDL 1570. In an effort to make this case more manageable for the Court and all parties involved, the *Federal* Plaintiffs will shortly be seeking entries of default against several hundred defendants who were served some time ago, but have not appeared to defend the claims asserted against them.

In connection with the default process the *Federal* Plaintiffs intend to file schedules detailing their insureds, and the amounts paid to those insureds in compensation for property, business interruption, and related losses resulting from the September 11, 2001 Attack, as Exhibits to the default papers.

This Court has previously authorized the *Federal* Plaintiffs to file schedules identifying their insureds under seal, in order to protect the identity of those insureds from public disclosure. Copies of the Court's prior Orders relating to the filing of such schedules under seal are attached hereto for the Court's convenience. Consistent with these prior Orders, the *Federal* Plaintiffs

Judge Richard C. Casey  
May 4, 2005  
Page 2

---

write to respectfully request the Court's permission to file the schedules to be attached as Exhibits to the default filings under seal.

I thank Your Honor in advance for the Court's attention to this matter.

Respectfully submitted,

COZEN O'CONNOR

  
By: J. Scott Tarbutton

JST

cc: Steven A Cozen, Esq.  
Elliott R. Feldman, Esq.  
Sean P. Carter, Esq.  
All MDL Counsel

*Application granted*  
*5/5/05*



PHILA1\2266318\2 117430.000